



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

Vol. 28

January 18, 2011

No. 02

CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	02
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	03

NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

On Tuesday, January 11, 2011, the House of Representatives convened in Columbia for the commencement of the 119th South Carolina General Assembly.

The House approved and sent to the Senate **H.3004**, the “**SPENDING ACCOUNTABILITY ACT OF 2011**” which establishes new requirements for the General Assembly to take roll call votes that record the names and stances of legislators in the consideration of the Annual General Appropriations Bill, Conference and Free Conference Committee Reports, and other bills and joint resolutions. The legislation provides that the Annual General Appropriations Bill must be considered section-by-section on second reading, and must receive a recorded roll call vote by the House of Representatives and the Senate when the pending question is the adoption of an individual section. The legislation provides that a bill or joint resolution must receive a recorded roll call vote by the House of Representatives and the Senate when: (1) the pending question is adoption of a Conference or Free Conference Report; (2) the pending question is the passage of a bill or joint resolution on second reading; (3) either the House of Representatives or the Senate agrees to the other body’s amendment; or (4) a bill or joint resolution is amended and the pending question is the passage of a bill on third reading.

The House approved and sent to the Senate **H.3278**. This joint resolution provides that, until June 30, 2011, there are no restrictions on the **TYPES OF APPLICANTS OR ORGANIZATIONS THAT MAY APPLY FOR A SPECIAL FIFTEEN-DAY BEER AND WINE PERMIT** if the applicant meets all other requirements of law as determined by the Department of Revenue. The joint resolution is offered to provide a temporary and immediate correction until the General Assembly has an opportunity to approve a permanent law change to correct an inadvertent 2010 enactment restricting the issuance of special fifteen-day beer and wine sales permits to nonprofit organizations alone.

HOUSE COMMITTEE ACTION

WAYS AND MEANS

The full Ways and Means Committee met on Thursday, January 13, to provide a forum for sharing information on the state government budget shortfall. The committee heard assessments of the status of the Capital Reserve Fund, Local Government Fund, and state debt service and received reports from state agencies representing some of the most significant categories of state appropriations: K-12 education, higher education, technical education, corrections, social services, and health and human services.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3276 HUNTING AND FISHING RIGHTS Rep. White

As a result of a favorable vote in the 2010 general election by the qualified electors of this state, this legislation ratifies and amends Article I of the South Carolina Constitution by adding Section 25. This Section outlines that hunting and fishing are valuable parts of the state's heritage, important for conservation and a protected means of managing nonthreatened wildlife. It further outlines that citizens of this state have the right to hunt, fish and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management.

H.3287 WATERCRAFT Rep. Hardwick

This bill adds that an abandoned watercraft may be removed and disposed of by a governmental agency that has jurisdiction over the area where the abandoned watercraft is located. Any watercraft abandoned for at least ninety days may be claimed by any person or entity as abandoned property.

H.3314 GEESE Rep. Limehouse

The legislation requires a person to attempt to relocate nuisance geese to property owned by the Department of Natural Resources or other private property before destroying such geese as prescribed by a federal permit.

H.3323 COMMERCIAL APPLICATOR OF PESTICIDES Rep. Gambrell

This bill provides that a person who may otherwise be considered a commercial applicator is not required to be certified under this provision if the only form or type of pest control used by this person is glyphosphate and if the person executes an affidavit, on a form provided by the director, attesting to this singular pest control use. This affidavit must be newly executed every five years.

EDUCATION AND PUBLIC WORKS

H.3289 'EAGLE SCOUTS OF AMERICA' SPECIAL LICENSE PLATES Rep. Simrill

This legislation authorizes the Department of Motor Vehicles to issue 'Eagle Scouts of America' special license plates.

H.3293 OPERATION OF ROAD TERRAIN VEHICLES ALONG THE STATE'S HIGHWAYS Rep. Pitts

Under this legislation, the provisions which authorize golf carts to operate along the state's highways apply to the operation of road terrain vehicles. An owner of a road terrain vehicle must have a valid driver's license, obtain a permit from the Department of Motor Vehicles, and may only operate on secondary roads within two miles of the owner's residence or place of business.

**H.3296 REVISIONS TO THE INSTRUCTIONAL DAY IN A PUBLIC SCHOOL
AND PROMOTION REQUIREMENTS Rep. Lowe**

This legislation requires that in the first, second, and third grades at least five hours of the instructional day must be devoted to instruction in writing, English/language arts, and mathematics. Relating to the statewide assessment program, this legislation deletes a provision connecting student assessment scores and retention in the current grade level. Relating to academic performance ratings, this legislation provides that a third grade student who does not achieve a "met" or "exemplary" performance standard on certain sections of the assessment may not be promoted to the fourth grade until he achieves those standards, with certain exceptions.

**H.3297 SCHOOL DISTRICT SUPERINTENDENT COMPENSATION PACKAGE
Rep. Lowe**

This legislation prohibits a compensation package offered to a school district superintendent from including a provision that allows the superintendent to receive compensation that exceeds one year's salary upon termination of the contract with the district. An increase in the compensation that a superintendent receives upon termination of the contract must be approved by the qualified electors of the district by referendum during a special election.

H.3313 ALTERNATIVE SCHOOL SCHEDULE PLAN Rep. Govan

This legislation allows a school district board of trustees to propose an alternative school schedule plan providing for the operation of schools on a four-day weekly calendar pursuant to guidelines adopted by the State Board of Education. An alternative school schedule plan must meet the equivalent number of instructional hours of the statutory 180 day school term and must conform annual salaries for certified teachers accordingly, taking into account the ten scheduled staff development days. The plan also must be used in calculating the average daily membership for the district. An alternative school schedule plan must be submitted for approval by the State Department of Education by June first of the calendar year in which the alternative schedule will be implemented.

JUDICIARY

H.3274 EJECTMENT OF A TENANT Rep. Huggins

If grounds for ejectment for a residential rental agreement are circumstances that constitute malicious property damage or a threat to human life, this legislation allows a rule to show cause for ejectment of the tenant to be served by affixing a copy of it to the most conspicuous part of the premises. If grounds for ejectment constitute malicious property damage or threat to human life and the tenant fails to appear and show cause within five days, this legislation requires the magistrate to immediately issue an ejectment warrant; the tenant must be ejected by law enforcement. Relating to landlord remedies for tenant noncompliance affecting health and safety, this legislation provides that an emergency means circumstances considered to threaten significant property

damage or human life. This legislation defines the terms "malicious property damage" and "threat to human life".

**H.3277 RATIFICATION OF CONSTITUTIONAL AMENDMENT
GUARANTEEING THE RIGHT TO USE SECRET BALLOTS IN LABOR
ORGANIZATION VOTING Rep. Bedingfield**

This legislation ratifies an amendment to the State Constitution so as to provide the fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization. The amendment was submitted to the qualified electors at the last general election and received a favorable vote.

**H.3285 PROPOSED CONSTITUTIONAL AMENDMENT REQUIRING CERTAIN
BILLS AND JOINT RESOLUTIONS TO RECEIVE A
RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR
PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE
SENATE Rep. Ballentine**

This legislation proposes to amend the State Constitution so as to require the respective Houses of the General Assembly to conduct recorded roll call votes for the Annual General Appropriations Bill and certain other bills and joint resolutions whenever the pending question is adoption of a Conference Report or Free Conference Report, passage of a bill or joint resolution on second reading, the House of Representatives or the Senate approval of the other body's amendment, or a bill or joint resolution is amended and the pending question is the passage of a bill on third reading. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

**H.3291 SOUTH CAROLINA DEPARTMENT OF LAW ENFORCEMENT AND
PUBLIC SAFETY Rep. Cooper**

This legislation establishes the South Carolina Department of Law Enforcement and Public Safety as an administrative agency of state government which is comprised of a Division of Public Safety, a State Law Enforcement Division, a Division of Probation, Parole and Pardon Services, and a Natural Resources Enforcement Division. The director of the Department of Law Enforcement and Public Safety is appointed by the Governor, upon the advice and consent of the Senate. The functions, powers, duties, responsibilities, and authority statutorily exercised by the following offices, sections, departments, or divisions of the following state agencies as existing on the effective date of this legislation are transferred to and devolved on the department to include the Department of Public Safety, State Law Enforcement Division, Department of Probation, Parole and Pardon Services, and the Natural Resources Enforcement Division of the South Carolina Department of Natural Resources. All rules, regulations, standards, orders, or other actions of these entities shall remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act, or otherwise provided.

**H.3292 REVISIONS PERTAINING TO CARRYING HANDGUNS AND
FIREARMS Rep. Pitts**

This legislation makes numerous revisions relating to carrying handguns and firearms. Among other things, this legislation provides a list of locations where certain persons are prohibited from carrying a handgun, whether concealed or not. The legislation includes provisions for the transportation and storage of firearms in a locked vehicle; the

legislation provides that certain persons may not prohibit an individual from transporting or storing legally-possessed firearms or ammunition in the individual's privately-owned motor vehicle. The legislation provides that it is unlawful to carry a handgun, whether concealed or not, with the intent to use it unlawfully against another person. The intent to use a handgun unlawfully against another person shall not be inferred from the mere possession, carrying, or concealment of a loaded or unloaded handgun. The legislation revises the circumstances upon which a person can carry a firearm on school property. The legislation revises the circumstances upon which it is unlawful to carry a deadly weapon. Relating to additional penalties for carrying a firearm onto the premise of a business that sells alcoholic beverages, the legislation revises the penalties and the circumstances upon which they must be imposed. The legislation deletes the provision that requires a permit holder to have his identification card in his possession whenever he carries a concealable weapon and inform a law enforcement officer that he is a permit holder under certain circumstances. The legislation revises the locations upon which it is lawful to carry a concealable weapon with and without a permit, and it revises the circumstances upon which a valid out-of-state permit to carry a concealable weapon must be honored. Relating to the carrying of concealable weapons upon the premises of a business or a residence, this legislation revises the circumstances upon which it is lawful to carry a concealable weapon on these premises. Penalties are provided for various violations.

H.3295 HOMEOWNERS ASSOCIATIONS Rep. Herbkersman

Relating to the criteria for a nonprofit organization to obtain a license to sell alcoholic liquors by the drink, this legislation provides that under certain conditions a homeowner's association, chartered as a nonprofit organization by the Secretary of State, whose membership is limited to individuals who own property in the residential community and whose affairs are governed by a board of directors elected by the membership, is also eligible for such a license.

**H.3308 "JAIDON'S LAW" – REVISIONS PERTAINING TO THE
DEPARTMENT OF SOCIAL SERVICES Rep. Forrester**

This legislation makes comprehensive revisions pertaining to the Department of Social Services and how the agency and the courts handle certain matters related to a child removed from the custody of his parents. Among other things, the legislation makes revisions pertaining to placement plans, termination of parental rights proceedings, and the Central Registry of Child Abuse and Neglect.

**H.3315 COMMEMORATIVE SESSION OF THE GENERAL ASSEMBLY
Rep. Limehouse**

This legislation provides that every ten years, the General Assembly shall provide for a commemorative session of the General Assembly to be held at a suitable location in Charleston County to commemorate and bring to the attention of all South Carolinians and citizens of other states the role played by Charleston and the events that occurred in Charleston which are significant in the history of the United States.

H.3316 CALLER IDENTIFICATION FRAUD Rep. Funderburk

This legislation creates the offense of unlawfully altering the identification of a caller's number or caller identification spoofing. The legislation defines necessary terms, and it provides a penalty for violations.

LABOR, COMMERCE AND INDUSTRY

H.3294 INSURER TO GIVE WRITTEN NOTICE TO A CLAIMANT ABOUT CERTAIN MATTERS Rep. Sandifer

With certain exceptions and limits, this legislation requires an insurer to give written notice to a claimant about certain statutes of limitations or other time limits concerning the pending claim and the approaching expiration of these time limits.

H.3301 PLACEMENT OF DISPLAY MODEL MODULAR HOMES Rep. Clemmons

This bill revises standards for placement of modular homes, so as to provide circumstances in which a modular home used as a display model may be placed for its first residential use.

WAYS AND MEANS

H.3286 PAYMENT OF FEDERALLY FUNDED EXTENDED UNEMPLOYMENT BENEFITS Rep. Bingham

This bill revises provisions relating to the payment of extended unemployment benefits when federally funded, so as to change the method for calculating certain funding indicators by basing the calculation on one or more three-month periods ending the preceding three calendar years.

H.3288 LOCAL GOVERNMENT FUND DISTRIBUTION Rep. Simrill

This bill revises provisions relating to the distribution of monies appropriated to the Local Government Fund, so as to link the distribution ratio to the most recent annual population estimate as provided by the United States Census Bureau.

H.3298 EXTENSION OF THE DEVELOPERS' MULTIPLE SUBDIVISION LOT PROPERTY TAX DISCOUNT Rep. Lowe

This joint resolution extends the developers' maximum five year multiple subdivision lot property tax discount through property tax year 2015 for those lots on which the discount expires with property tax years 2010 through 2014.

H.3320 MAXIMUM SALES, USE, OR CASUAL EXCISE TAX ON TANGIBLE PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES Rep. Cobb-Hunter

This bill revises provisions establishing the maximum sales, use, or casual excise tax on certain items of tangible personal property, including motor vehicles, so as to increase the maximum tax from three hundred to five hundred dollars. The legislation provides a credit equal to one-half the sales, use, or casual excise tax otherwise due on the sale or lease of a motor vehicle in which the amount subject to the tax imposed by this chapter is ten thousand dollars or less.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "BILL TRACKING & REPORTS" (UNDER "LEGISLATIVE RESOURCES").